

REMARKS

The Final Office Action mailed November 16, 2005 has been carefully reviewed along with the references cited therein. In the subject Office Action the Examiner objected to claim 8 for minor informalities. Claims 1-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Radliff (U.S. Patent No. 6,325,671). Claims 8-11, 15 and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Smith et al. (U.S. Patent No. 4,684,196) in view of Bazille et al. (U.S. Patent No. 3,576,518). Claims 8, 12, 21 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Daoud et al. (U.S. Patent No. 6,152,759) in view of Smith. Claims 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Daoud in view of Smith as applied to claim 21 and further in view of Bazille. Claim 16 is rejected under 35 U.S.C. § 102(b) as being anticipated by Santos (U.S. Patent No. 3,899,236). Claims 17 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Santos in view of Smith.

Applicants respectfully petition that the Examiner remove the finality of the subject Office action and that he reconsider the claim amendments that have been made to claims 16 and 21. In Applicants' previous response, claim 21 was written to include the subject matter of original claim 14 that the Examiner deemed to be patentable in his first Office action. Claim 21 has now been finally rejected in view of a reference located in a search that was performed after Applicants' first response. MPEP § 706.07 states, "[t]he applicant who is seeking to define his or her invention in claims that will give him or her the patent protection to which he or she is justly entitled should receive the cooperation of the examiner to that end, and not be prematurely cut off in the prosecution of his or her application." In the subject Office action, the Examiner has indicated that claim 21 "is not seen to claim all limitations of the base claim and any intervening claims and is seen to be unpatentable as discussed above." The Examiner never indicates what is missing from claim 21 that was not in original claim 14. The Examiner simply states at the end of the Office action that Applicants' amendment necessitated the new ground(s) of rejection; however, in submitting claim 21 Applicants did not introduce any new matter that required the Examiner to perform a new search. Applicants simply attempted to put that which the Examiner found allowable into independent form.

The Examiner also prematurely finally rejected claim 16. In Applicants' previous response, claim 16 was amended to include the term "sliding hinge," a term that was used

in original claim 1. After this claim amendment, the Examiner performed a new search and uncovered a new reference to reject claim 16. It is the Examiner's responsibility that "the invention as disclosed and claimed should be thoroughly searched in the first action and the references fully applied." MPEP § 706.07. According to the Examiner, Santos, a newly cited reference, anticipates claim 16. Santos issued in 1975 and therefore was available to the Examiner when he first searched for his first Office action. If the Examiner believes Santos to anticipate claim 16 as amended in Applicants' first response, it follows that original claim 16, which was broader than amended claim 16, would also have been anticipated by Santos. Accordingly, it was not Applicants' amendment that necessitated the new ground of rejection. Santos should have been applied in the previous Office action.

In view of the foregoing, Applicants respectfully request that the Examiner remove the finality of the subject Office action allow Applicants the opportunity to respond the new prior art. Furthermore, to limit the issues that are presented to the Examiner, Applicants have cancelled the other two pending independent claims.

Claim 16 has been amended to recite that the first housing portion includes a hoop-shaped appendage defining an elongated slot and that the second housing portion includes a pin received in the elongated slot. The claim has also been amended to recite moving the pin of the second housing portion in the slot of the first housing portion. In Santos, the cover portion 16 does not include a hoop-shaped appendage defining an elongated slot and the base portion 18 does not include a pin received in the elongated slot. Therefore, there can be no "moving the pin of the second housing portion in the slot of the first housing portion" as recited in claim 16. Accordingly, claim 16 defines over Santos.

Claim 21 has been amended to recite "a second housing defining third and fourth seats, when the connector is closed the first seat being aligned with the third seat and the second seat being aligned with the fourth seat" and that "the elongated slot having a height about equal to a distance between the furthest points of the first seat and the third seat when the connector is closed." Support for this amendment can be located paragraph [0028]. In Daoud, the height of the slot is not equal to a distance between opposing seats. Accordingly, claim 21 defines over the cited references.

CONCLUSION

For the reasons detailed above, it is submitted that all claims remaining in the application are now in condition for allowance. Accordingly, an early indication of the same is earnestly solicited. In any event, should the Examiner consider personal contact advantageous to the disposition of this case, he is encouraged to telephone the undersigned at the number listed below.

Respectfully submitted,

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Jan. 17, 2005
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